

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JUAN H. MERCADO,
Petitioner

v.

UNITED STATES OF AMERICA,
Respondent

CIVIL ACTION NO. 04-10043-RWZ

**Government's Motion To Extend
The Time Within Which To File
Its Response To Petitioner's
Petition Under 28 U.S.C. § 2255**

The United States of America, by Michael J. Sullivan, United States Attorney, and Michael J. Pelgro, Assistant U.S. Attorney, hereby files this motion to extend the time within which to file its response to the petitioner's petition under 28 U.S.C. § 2255. The government requests that the Court extend the time to and including March 22, 2004.


In support of this request, the government states that the petitioner filed his petition in January 2004 and that government counsel received a copy from the Court on January 23, 2004. The Court has ordered the government to file a response on or before February 10, 2004. The claims made by the petitioner, though conclusory in nature and totally unsupported by any affidavit or other factual assertion, concern whether the petitioner's criminal attorney rendered ineffective assistance at the petitioner's Rule 11 and sentencing hearings. The government has ordered the transcripts of those hearings but has been advised that both transcripts will not be available until at least late

February 2004. In addition, government counsel will be out of state on government business from February 2, 2004 through February 6, 2004.

The government therefore respectfully requests that the Court extend the time within which the government has to file its response to and including March 22, 2004.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: 
Michael J. Pelgro
Assistant U.S. Attorney

DATED: January 29, 2004.

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the person listed below a copy of the foregoing document by depositing in the United States mail a copy of same in an envelope bearing sufficient postage for delivery:

Juan H. Mercado
Inmate No. 24215-038
FCI Ray Brook
P.O. Box 9007
Ray Brook, NY 12977

This 29th day of January 2004.


MICHAEL J. PELGRO
ASSISTANT UNITED STATES ATTORNEY